

Applicant respectfully submits that the Inventors' Declaration, and the attached Exhibits, sufficiently show that the inventors of the above referenced application were in possession of the present invention prior to January 5, 2000. In the Examiner's comments, the Examiner focused on the fact that Exhibits "E" and "F" did not show dates, like Exhibits "A" through "D", and that MPEP § 715.07 only applies to instances where dates were removed by the Applicant. Applicant disagrees with this application of this section of the MPEP.

Specifically, Applicant notes that MPEP § 715.07 states that the "Examiner must consider all of the evidence in its entirety." Further, MPEP § 715.07 states that "the dates in the oath or declaration may be the actual dates or, if the patent owner does not desire to disclose his or her actual dates, he or she may merely allege that the acts referred to occurred prior to a specific date." In this case, the mere fact that the dates are not present in Exhibits "E" and "F" is a distinction without a difference. Applicant submits that MPEP § 715.07 was not intended to preclude the use of exhibits which are not dated, and only allow Exhibits to be used in which dates were removed by the Applicant. Applicant notes that in considering all of the evidence in its entirety, including the statements made by the Inventors in their Declaration along with the provided Exhibits, the evidence adequately demonstrates that the Inventors were in possession of the present invention prior to January 5, 2000. The mere fact that Exhibits "E" and "F" are undated does not refute this, or otherwise bring this fact into question.

Supplemental Declaration:

However, in addition to the above discussion, and notwithstanding Applicant's above argument, Applicant submits herewith a Supplemental Supporting Declaration of Mr. Kimihito Nakayama, to the Inventor's Declaration under 37 C.F.R. § 1.131, filed November 18, 2002. As shown in Mr. Nakayama's Declaration, under the numbering system in place within Yazaki Corporation, at the time the present invention was created, the document identification numbers aided in identifying when a document was created. It is also noted that Exhibits "A", "B", "C" and "D" to Mr. Nakayama's Declaration are the same documents identified as Exhibits "A", "B", "E" and "F", respectively, in the Inventor's Declaration under 37 C.F.R. § 1.131, filed November 18, 2002. Under this numbering system, and as evidenced by the facts set forth in Mr. Nakayama's Declaration, it is shown that Exhibit "C" to Mr. Nakayama's Declaration (Exhibit "E" to the Inventors' Declaration) was created prior to the January 5, 2000 filing date of Chen. Applicant notes that this is further evidenced by the fact that the Technical Memo. Number (i.e. 99050133) for Exhibit "C" (to Mr. Nakayama's Declaration) is found listed in Exhibit "A" of both Mr. Nakayama's Declaration and the Inventor's Declaration under 37 C.F.R. § 1.131, filed November 18, 2002, which is dated December 9, 1999. Therefore, it has been adequately demonstrated that the inventor's of the present application were in possession of the present invention prior to January 5, 2000.

Applicant hereby notes that the Submission of Mr. Nakayama's Supplemental Supporting Declaration is in no way an admission, of any kind, that the Inventor's Declaration under 37 C.F.R. § 1.131, filed November 18, 2002, was deficient in any way in failing to properly

antedate the Chen reference, but is merely submitted as additional supporting evidence, to take the path of least resistance.

Conclusion:

In view of the foregoing, Applicant respectfully submits that the Chen reference can not qualify as prior art under the provisions of 35 U.S.C. § 102, and Applicant hereby requests the Examiner reconsider and withdraw the previously applied 35 U.S.C. § 102 and 35 U.S.C. § 103 rejections of the pending claims, using the Chen reference.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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Respectfully submitted,

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